

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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|-----------------------------------|---|---------------------------------------|
| PALLADIUM BOOKS, INC., |) | |
| a Michigan corporation, |) | Case No. 10-CV-11859 |
| |) | Hon. Julian Abele Cook, Jr. |
| Plaintiff, |) | Magistrate Judge Hon. Paul J. Komives |
| |) | |
| v. |) | |
| |) | |
| TRION WORLDS, INC., |) | |
| a Delaware corporation, and |) | |
| TRION WORLD NETWORK, INC., |) | |
| a Delaware corporation, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**EX PARTE MOTION BY DEFENDANT TRION WORLDS, INC.
FOR LEAVE TO FILE REPLY BRIEF IN EXCESS OF FIVE PAGES**

Defendant Trion Worlds, Inc. ("Trion") through its undersigned attorneys, respectfully submits this *Ex Parte* Motion for Leave to File Reply Brief in Excess of Five Pages.

1. On May 31, 2010, Trion filed a motion to dismiss the amended complaint brought by plaintiff Palladium Books, Inc. ("Palladium"). Trion showed in its brief in support of its motion to dismiss that the Court lacked personal jurisdiction over Trion and that the Court should therefore dismiss the case under Fed. R. Civ. P. 12(b)(2).

2. On June 4, 2010, Palladium filed its 20-page opposition brief to Trion's motion to dismiss. On that same day, Palladium also filed a motion for expedited discovery limited to the issue of personal jurisdiction.

3. Trion seeks permission from this Court to file a reply brief of eight pages – or three pages more than the five pages permitted under LR 7.1(d)(3)(B). LR 7.1(d)(3)(A) provides

that a party “seeking to file a longer brief [than five pages] may apply *ex parte* in writing setting forth the reasons.”

4. As shown in Trion’s proposed eight-page reply brief, Palladium’s opposition brief rests on a novel – but untenable and unsupported – theory of prospectively applying personal jurisdiction. Trion requires three extra pages to respond to this novel argument and the other arguments raised by Palladium. Trion has endeavored to be as concise as possible in its reply brief, while still attempting to provide the Court with the case law and information it needs to rule on the issue. As this Court knows, the issue of whether the Court has personal jurisdiction over Trion also pertains directly to Palladium’s motion for preliminary injunction, which the Court has set for oral argument on Wednesday, June 9, 2010. For these reasons, Trion should be permitted to fully set forth its arguments as to why personal jurisdiction does not exist.

WHEREFORE, pursuant to LR 7.1(d)(3)(A) Trion Worlds, Inc. respectfully requests the Court’s permission to file an eight-page reply brief in support of its motion to dismiss.

s/ Nicholas B. Gorga

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Dated: June 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2010, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system.

s/ Nicholas B. Gorga

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